

REMARKS/ARGUMENT

Claims 32-40 are pending. Claims 32, 35 and 38 are independent.

The Office Action did include a copy of the PTO/SB/08 form that accompanied the Information Disclosure Statement dated March 18, 2004. However, two of the references were struck through as not considered. Since the references were filed in accordance with the rules, the Examiner should have initialed them. It is respectfully requested that the Examiner initial all of the references listed the form and return it with the next Office Action.

Claims 32, 34, 35, 37, 38 and 40 were rejected under 35 U.S.C. § 103 over Gibson in view of newly-cited Japanese document of Toshiki (JP 08-336200). Claims 33, 36 and 39 were rejected under 35 U.S.C. § 103 over Gibson in view of Toshiki and further in view of U.S. Patent 5,666,136 (Fujishita). Claims 32, 35 and 38 were rejected under 35 U.S.C. § 112, first paragraph, for an alleged lack of enabling disclosure, and the specification was objected to on the same ground.

Applicants submit that independent claims 32, 35 and 38 are patentable for at least the following reasons.

Claim Rejections under 35 U.S.C. § 112

Claims 32, 35 and 38 were rejected under 35 U.S.C. 112, first paragraph. In the Office Action, the Examiner requested a detailed description or drawing to explain how the

newly added limitations work. Examples of the objected-to limitations are “one of types of the parameter indicates an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof”; and the controller displays an image picture showing a sound source on the display means, and changes a size of the image picture depending upon “the value of the parameter set through the setting means when the type of the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof is selected through the setting means”.

An exemplary relation between the limitations of claim 32 and an illustrated embodiment will be described below by inserting reference numbers used in the specification after claimed terms. Similar limitations in the other independent claims are supported in the same manner. Of course the invention is not limited to the preferred embodiments.

32. An audio system comprising setting means (51, 52), display means (50, 60, 70, etc.), transfer means (13), a controller (14), and acoustic effect adding means (2) wherein:

a type is selected among types of the parameter specifying acoustic effect through the setting means and a value of the parameter is set through the setting means;

one of types of the parameter indicates an interval of time between a first peak of sound observed at a sound receiving point and a second peak thereof;

the type of the parameter selected and the value of the parameter set through the setting means (51, 52) are transferred to the acoustic effect adding means (2) through the transfer means;

the acoustic effect adding means adds acoustic effect to an inputted signal depending upon the type and the value of the parameter transferred through the transfer means; and

the controller (14) displays an image picture (50a, 60a, 70a) showing a sound source on the display means, and changes a size of the image picture depending upon the value (“-“, “0”, “+”) of the parameter set through the setting means (51, 52) when the type of the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof is selected through the setting means.

The limitations objected to by the Examiner are supported at least at page 8, lines 10-17, page 12, lines 1-25, and in Figs. 5-7. In view of the foregoing, it is requested that the rejection under 35 U.S.C. 112, first paragraph, be withdrawn.

Claim Rejections- 35 U.S.C. §103

Claims 32, 34-35, 37-38 and 40 were rejected under 35 U.S.C. 103 over Gibson in view of Toshiki. Claims 33, 36 and 39 were rejected under 35 U.S.C. 103 over Gibson in view of Toshiki, and further in view of Fujishita.

The independent claims recite, among other things, a feature that the size of the image picture is changed depending upon the value of the parameter set through the setting means when the type of the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof is selected through the setting means. This feature is neither taught nor suggested in the cited art.

In Gibson, audio parameters are indicated by spheres. The size of the sphere correlates to frequency and amplitude (see column 5, lines 31-42). As is conceded in the Office Action, Gibson does not teach determining an acoustic characteristic obtained by distance between a listener determining a sound source.

The position was taken in the Office Action that Toshiki teaches the type of the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof is selected through the setting means. Applicants strongly disagree.

In the claimed invention, the type of the parameter is selected, and additionally the value of the parameter is set.

In Toshiki's invention, the time difference between preceding sound and succeeding sound is calculated by a time difference calculation means. The sound first exists, and then the time difference between that preceding sound and succeeding sound is calculated based on the existing sound. The time difference is not actively set, as in the independent claims, but is obtained passively, e.g., by measurement. Toshiki neither teaches nor suggests either the setting means through which the value of the parameter (time difference) is set, nor the step of setting the value of the parameter (time difference).

Neither Gibson nor Fujishita teaches the setting means and the setting step, and therefore fail to remedy the above-mentioned deficiency of Toshiki as against the independent

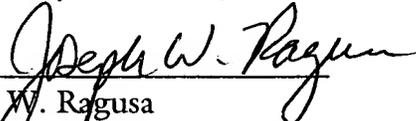
claims. Further, none of cited references disclose the step of changing the size of the image picture depending upon the value of the parameter (time difference). For at least the reasons discussed above, the independent claims are believed patentable over the cited art.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Dated: October 3, 2005

Respectfully submitted,

By 

Joseph W. Ragusa

Registration No.: 38,586

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant